

REMARKS

As an initial matter, it should be noted that this application was filed on March 15, 2001 with an unsigned Declaration. However, no Notice To File Missing Parts has been received by Applicant. Applicant submits herewith a signed Declaration And Power Of Attorney.

The application has been reviewed in light of the Office Action dated October 20, 2004. Claims 1-61 are pending, with claims 1, 15, 29 and 43-45 being in independent form. By this Amendment, independent claims 15 and 45 have been amended to clarify the claimed invention.

Claims 1-5, 7, 8, 15-19, 21, 22, 29-49, 51, 52 and 59-61 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over U.S. Patent 5,513,254 to Markowitz. Claims 6, 9, 14, 23, 28, 53 and 58 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Markowitz in view of International Publication No. WO 96/24213 A1 (Goldschmitt). Claims 10, 20, 24, 50 and 54 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Markowitz in view of U.S. Patent Publication No. 2003/0123622 A1 (Gifford). Claims 11, 12, 25, 26, 55, 56 and 57 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Markowitz in view of U.S. Patent No. 5,701,497 to Yamauchi et al. Claims 13 and 27 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Markowitz in view of U.S. Patent No. 5,884,246 to Boucher et al.

Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits that independent claims 1, 15, 29 and 43-45 are patentable over the cited art, for at least the following reasons.

This application relates to improvements to a facsimile apparatus which allow a user of the facsimile apparatus to make better use of time when the user is waiting for a document (fed by the user) to be scanned or transmitted by the apparatus. In particular, the improvements

described in the application enable the facsimile apparatus to display advertisements on a display device of the facsimile apparatus, while the document is being scanned or transmitted.

For example, independent claim 1 is directed to a facsimile apparatus comprising a network interface device, an advertisement information acquiring device, a display device and a displaying control device. The network interface device is connected to a network and configured to transmit and receive facsimile data through the network. The advertisement information acquiring device is configured to acquire advertisement information from an advertisement server connected to the network via the network interface device. The display device displays the advertisement information acquired from said advertisement information acquiring device. The displaying control device is configured to control the displaying of the advertisement information.

Markowitz, as understood by Applicant, is directed to a network apparatus connected to a telephone network which intercepts a facsimile transmission from an originating facsimile machine and modifies the facsimile transmission by incorporating therein one or more advertisements. The modified facsimile transmission is then forwarded through the network to the intended destination of the facsimile.

Contrary to the Office Action, the network apparatus of Markowitz does not include, however, a display device and a displaying control device configured to control the displaying of the advertisement information on the display device.

Although Markowitz discloses that the modified facsimile containing the advertisement can be displayed at the destination fax machine, the destination fax machine does not include an advertisement information acquiring device. In addition, although the destination fax machine of Markowitz can include a display, the destination fax machine does not include a displaying

control device configured to control the displaying of the advertisement information, and the modified facsimile containing the advertisement is not processed by the destination fax machine any differently than a facsimile without integrated advertisement.

Goldschmitt, as understood by Applicant, is directed to a system for delivering e-mail which appends advertising information to an e-mail message, and communicates the modified e-mail to an intended destination of the e-mail message.

The e-mail delivery system of Goldschmitt does not include, however, a display device and a displaying control device configured to control the displaying of the advertisement information on the display device.

Although the destination terminal has a display, the destination terminal does not include an advertisement information acquiring device and a displaying control device configured to control the displaying of the advertisement information. In addition, the modified e-mail containing the advertisement is not processed by the destination terminal of Goldschmitt any differently than e-mail without integrated advertisement.

Gifford, as understood by Applicant, is directed to unified messages services to which one can subscribe. The services include delivery of hyperlink-based messages, voicemail messages, facsimiles and video clips. Gifford was cited in the Office Action as purportedly disclosing a user interface which allows a user to setup and configure a corresponding enhanced services account, including routing schedules for voice, fax, e-mail, and video calls and messages.

Yamauchi, as understood by Applicant, is directed to a telecommunication apparatus which includes a translation unit for translating a received document from a source language to a target language. The Office Action cites Yamauchi as purportedly disclosing that a translating unit for translating facsimile image data can identify the original language based upon various

commands included in the facsimile protocol.

Boucher, as understood by Applicant, is directed to tools for translating communications transmitted via a computer network from a first language to a second language via the Internet. Boucher was cited in the Office Action as purportedly disclosing a translation machine that determines the language into which the message is to be translated.

Applicant does not find disclosure or suggestion by the cited art, however, of a facsimile apparatus comprising a network interface device, an advertisement information acquiring device, a display device and a displaying control device, wherein the advertisement information acquiring device is configured to acquire advertisement information from an advertisement server connected to the network via the network interface device, the display device displays the advertisement information acquired from said advertisement information acquiring device, and the displaying control device is configured to control the displaying of the advertisement information, as provided by independent claim 1.

Independent claims 15, 29 and 43-45 are patentably distinct from the cited art for at least similar reasons.

Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 1, 15, 29 and 43-45, and the claims depending therefrom, are patentable over the cited art.

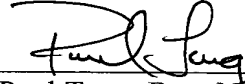
If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Office is hereby authorized to charge any fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is

respectfully requested to call the undersigned attorney.

Allowance of this application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Teng", is written over a horizontal line.

Paul Teng, Reg. No. 40,837  
Attorney for Applicant  
Cooper & Dunham LLP  
Tel.: (212) 278-0400